

SENATE JOINT RESOLUTION NO. 20

INTRODUCED BY CURTISS, BALES, BARKUS, EVERETT, KEENAN, STORY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A PERFORMANCE AUDIT OF THE EXTENT OF CONSERVATION EASEMENTS AND THE PROPERTY TAX POLICY ISSUES ASSOCIATED WITH CONSERVATION EASEMENTS.

WHEREAS, acquisition of ~~land~~ DEVELOPMENT RIGHTS through conservation easements, both public and private, has ~~accelerated~~ INCREASED dramatically in the past 4 years; and

WHEREAS, negotiated terms relative to the use of these easements may in perpetuity ~~preclude~~ LIMIT AFFECT any further development on these easements; and

WHEREAS, ~~limiting~~ ACQUIRED development rights on these properties may ~~significantly decrease~~ IMPACT the market value of these AND ADJACENT properties; and

~~WHEREAS, any resulting decrease~~ IMPACT ~~of market value of these encumbered properties has the potential to be reflected in the value of adjacent properties; and~~

WHEREAS, INCOME AND ESTATE tax deductions are often an attractive incentive in negotiating easement contracts; and

WHEREAS, the cumulative effect of ongoing acquisition OF DEVELOPMENT RIGHTS may present ~~significant~~ tax implications for counties; ~~that already have as much as 17% of land~~ PRIVATE LANDS ~~within the county under some kind of easement agreement; and~~

WHEREAS, ~~there are more than~~ CURRENTLY 12 land trusts AND GOVERNMENT AGENCIES ARE actively acquiring conservation easements in Montana; and

~~WHEREAS, information relative to existing acreage under easement is inaccurate or compiled in inconsistent formats; and~~

WHEREAS, it is of compelling interest to officials of Montana counties and Montana taxpayers AND ELECTED OFFICIALS to have accurate information available on which to base policy decisions.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Legislative Audit Committee prioritize a performance audit of the extent of conservation

1 easements and the property tax policy issues associated with conservation easements.

2 (2) That the Committee identify the cause of the conflicting information available.

3 (3) That the Committee recommend a method for compiling this information in a readily available format
4 for use by the Legislature and interested parties.

5 (4) That the Committee evaluate relevant information to determine trends IN CONSERVATION EASEMENTS
6 AND DEVELOPMENT OF AGRICULTURAL LANDS that would indicate potential for shifts in tax collections.

7 (5) That the Committee present its findings, recommendations, and any proposed legislation to the 60th
8 Legislature.

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